

Order

Michigan Supreme Court
Lansing, Michigan

February 23, 2006

Clifford W. Taylor,
Chief Justice

ADM File No. 2006-02

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of
Rules 7.204 and 7.205 of
the Michigan Court Rules

On order of the Court, the following corrections of Rules 7.204 and 7.205 of the Michigan Court Rules are made, effective May 1, 2006.

[The present language is amended as indicated below.]

Rule 7.204 Filing Appeal of Right; Appearance

(A)-(B)[Unchanged.]

(C) Other Documents. With the claim of appeal, the appellant shall file the following documents with the clerk:

(1)-(4)[Unchanged.]

(5) a copy of the ~~docket or calendar entries~~ register of actions of the lower court, tribunal, or agency; and

(6) [Unchanged.]

(D)-(H)[Unchanged.]

Rule 7.205 Application for Leave to Appeal.

(A) [Unchanged.]

(B) Manner of Filing. To apply for leave to appeal, the appellant shall file with the clerk:

(1) [Unchanged.]

(2) 5 copies of the judgment or order appealed from, of the ~~calendar or docket entries~~ register of actions of the lower court, tribunal, or agency, of the opinion or findings of the lower court, tribunal, or agency, and of any opinion or findings reviewed by the lower court, tribunal, or agency.

(3)-(7) [Unchanged.]

(C)-(E) [Unchanged.]

(F) Late Appeal.

(1)-(3) [Unchanged.]

(4) The limitation provided in subrule (F)(3) does not apply to an application for leave to appeal by a criminal defendant if the defendant files an application for leave to appeal within 21 days after the trial court decides a motion for a new trial, for judgment of acquittal, to withdraw a plea, or for resentencing, if the motion was filed within the 12-month period, or if

(a)-(b) [Unchanged.]

(c) the application for leave to appeal is filed in accordance with the provisions of this rule within 42 days after the filing of the transcript. If the transcript was filed before the order appointing or denying the appointment of counsel, the 42-day period runs from the date of that order.

A defendant who seeks to rely on one of the exceptions in subrule (F)(4) must file with the application for leave to appeal an affidavit stating the relevant docket entries, a copy of the ~~docket or calendar entries~~ register of actions of the lower court, tribunal, or agency, or other documentation showing that the application is filed within the time allowed.

(5) [Unchanged.]

(G) [Unchanged.]

Staff Comment: The amendment of MCR 7.204(C)(5) makes the terminology consistent with current usage. See MCR 8.119(D)(1)(c). The amendment also clarifies

the distinction between the lower court register of actions and the Court of Appeals docketing statement referred to in MCR 7.204(H) and 7.205(D)(3).

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 23, 2006

Corbin R. Davis

Clerk